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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/612,504	07/01/2003	Steven C. Shanks	206-038	3500

33354 7590 09/14/2007
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EXAMINER

JOHNSON III, HENRY M

ART UNIT	PAPER NUMBER
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3739

MAIL DATE	DELIVERY MODE
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09/14/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

ETHERTON LAW GROUP, LLC
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In re Application of:	:	
Shanks, Steven C. et al	:	
Serial No. 10/612,504	:	
Filed: Jul.1, 2003	:	
Docket: 206-038	:	DECISION ON PETITION
Title:	:	UNDER 37 CFR § 1.181
MULTI-PROBE LASER DEVICE	:	

This is a decision on the petition filed Jun. 29, 2007 under 37 CFR 1.181 requesting withdrawal of the Notification of Non-Compliant Appeal Brief issued on Jun. 5, 2007.

The petition is granted.

In finding petitioner's points of argument persuasive and after consultation with the examiner, the requested relief is granted. It was determined that the rejection of claims 3-7 and 16-22 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,074,411 to Lai et al. in view of U.S. Patent 6,267,779 to Gerdes was withdrawn in the non-final Office action mailed on Sep. 28, 2006 in view of the arguments advanced by the applicant in the appeal brief filed on Aug. 2, 2006. The Notification of Non-Compliant Appeal Brief issued on Jun. 5, 2007 is hereby withdrawn. The examiner has been directed in his next Office action or by a separate letter to expressly state the reason for withdrawal of the rejection of claims 3-7 and 16-22 under 35 U.S.C. 103(a) as being unpatentable over Lai et al. in view of Gerdes in accordance with the MPEP 707.07(f)¹.

The application is being forwarded to Examiner Johnson of Art Unit 3739 for explanation of the withdrawal of rejection as noted above. Any inquiry regarding this decision should be directed to Henry C. Yuen, Special Programs Examiner at (571) 272-4856.

PETITION GRANTED.

Karen M. Young
Karen M. Young, Director
Technology Center 3700

1 Relevant portion of MPEP 707.07(f) [R-3] Answer All Material Traversed In order to provide a complete application file history and to enhance the clarity of the prosecution history record, an examiner must provide clear explanations of all actions taken by the examiner during prosecution of an application. Where the requirements are traversed, or suspension thereof requested, the examiner should make proper reference thereto in his or her action on the amendment. Where the applicant traverses any rejection, the examiner should, if he or she repeats the rejection, take note of the applicant's argument and answer the substance of it. If applicant's arguments are persuasive and upon reconsideration of the rejection, the examiner determines that the previous rejection should be withdrawn, the examiner must provide in the next Office communication the reasons why the previous rejection is withdrawn by referring specifically to the page(s) and line(s) of applicant's remarks which form the basis for withdrawing the rejection. It is not acceptable for the examiner to merely indicate that all of applicant's remarks form the basis for withdrawing the previous rejection. Form paragraph 7.38.01 may be used.